

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	1:05cr239-MHT
	)	(WO)
JOSEPH L. KENNEDY	)	

ORDER

It is ORDERED that defendant Joseph L. Kennedy's motion for compassionate release (doc. no. 35) is denied.

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Defendant Kennedy seeks relief under 18 U.S.C. § 3582(c)(1)(A), which provides, in relevant part:

"[T]he court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that-

(i) extraordinary and compelling reasons warrant such a reduction;

...

and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission."

Assuming, without deciding, that Kennedy has sufficiently exhausted administrative remedies, see Inmate Request to Staff (doc. no. 42-1) at 2, his motion nevertheless fails because he has not shown that "extraordinary and compelling reasons warrant" a reduction in his sentence at this time. 18 U.S.C. § 3582(c)(1)(A). While the court sympathizes with Kennedy for the fear he has been experiencing, he has presented no evidence that his documented medical conditions are the type that place him at elevated risk of serious complications from COVID-19. Furthermore, the medical records he submitted recently show that, although he unfortunately has become infected with COVID-19, he received daily examinations after testing

positive, and his vital signs remained normal. See Medical Records (doc. no. 44-1). Given that his symptoms do not appear to be particularly severe or life-threatening, his infection does not constitute a sufficiently compelling reason to warrant a reduction in his sentence at this time.

DONE, this the 23rd day of November, 2020.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE